

## HOUSE BILL NO. 392

INTRODUCED BY BERGREN, STAHL, MUSGROVE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE STATE TO REIMBURSE PROPERTY OWNERS OR ENTITIES THAT MUST REBUILD, MOVE, RETROFIT, REMODEL, OR RECONSTRUCT CERTAIN ANIMAL FEEDING OPERATION FACILITIES IF STATE LAW BECOMES MORE RESTRICTIVE THAN FEDERAL LAW; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Reimbursement for cost of moving or reconstructing facilities.** (1) If state ~~regulations~~ LAWS OR RULES related to animal feeding operations or concentrated animal feeding operations are made more stringent than federal law, the state shall reimburse an entity for the cost of ~~building~~ REBUILDING, moving, retrofitting, remodeling, or reconstructing a facility if:

(1)(A) the existing facility was INITIALLY built, moved, retrofitted, remodeled, or reconstructed for the purpose of meeting the permit requirements of this part at the time that the facility was built, moved, retrofitted, remodeled, or reconstructed;

(2)(B) it is necessary to ~~build~~ REBUILD, move, retrofit, remodel, or reconstruct an existing facility to meet state requirements that are more stringent than federal requirements;

(3)(C) the existing facility is a permitted facility and did not have a violation;

(4)(D) the existing facility was built to engineering standards and approved by the department;

(5)(E) the existing facility has records to show that proper maintenance was conducted AND BEST MANAGEMENT PRACTICES WERE FOLLOWED throughout the life of the facility;

(6)(F) the existing facility was built within 10 years from the date on which the state law OR RULE is implemented that makes state requirements more stringent than federal requirements; and

(7)(G) the ~~new~~ REBUILT, MOVED, RETROFITTED, REMODELED, OR RECONSTRUCTED facility is a permitted facility and is operated in a way that maintains compliance.

(2) FOR THE PURPOSES OF THIS SECTION, "EXISTING FACILITY" MEANS A FACILITY THAT IS PERMITTED PURSUANT TO THIS PART.

1        NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
2 integral part of Title 75, chapter 5, part 8, and the provisions of Title 75, chapter 5, part 8, apply to [section 1].

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4        NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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